

KENNETH ALEXANDER §
v. § CIVIL ACTION NO. 6:18cv594
SMITH COUNTY SHERIFF'S OFFICE, §
ET AL.

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United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 23) is **ADOPTED** as the opinion of the District Court. It is further


ORDERED that the Defendants' motion to dismiss (docket no. 6) is **DENIED** as moot, without prejudice to the Defendants' right to re-file or re-urge their motion to dismiss, or file such other motion or answer as may be appropriate, in response to the amended complaint. It is further

ORDERED that the Plaintiff's motion to amend his complaint (docket no. 26) is **GRANTED**. While it appears that the Plaintiff sought to incorporate his amended complaint in the motion, this is not proper because under Local Rule CV-7(k), a motion for leave to file a document should be filed separately and immediately before the document for which leave is sought. In addition, the putative amended complaint is not on a standard complaint form and is not entirely clear, in that it does not specifically set out the individuals whom Alexander seeks to sue nor incorporate a short and plain statement of his claims. It is therefore

ORDERED that the Clerk shall furnish a standard lawsuit form to the Plaintiff Kenneth Alexander and Alexander shall have until September 30, 2019, in which to file his amended complaint. He should be sure his amended complaint sets out: (1) a concise statement of each of the claims which the Plaintiff wishes to raise, together with the facts giving rise to each of these claims, including the dates of occurrences of these events, if known; (2) the individual or individuals whom Plaintiff wishes to name as defendants in this lawsuit; (3) a statement showing how each named defendant is involved in the facts forming the basis of the lawsuit; (4) the harm which the Plaintiff suffered as a result of the facts forming the basis of this lawsuit; and (5) the specific relief sought by the Plaintiff in this lawsuit. It is further

ORDERED that the Defendants shall have 30 days after the filing of Plaintiff's amended complaint in which to answer or otherwise plead to the amended complaint.

SIGNED this the **28** day of **August, 2019**.



Thad Heartfield
United States District Judge